



# Department of Defense

## DIRECTIVE

September 24, 1985

NUMBER 1327-5

ASD(FM&P)

SUBJECT : Leave and Liberty

References: (a) DoD Directive 1327.5, subject as above, June 29, 1974  
(hereby canceled)  
(b) Title 10, United States Code  
(c) Joint Travel Regulations, Volume I  
(d) through (j) , see enclosure 1

### A. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to establish policies for leave, liberty (pass) , and administrative absences that shall:

1. Be consistent with the uniformity required of the Armed Forces by 10 U.S. C. 704 (reference (b)).
2. Provide respite from the work environment in ways that shall contribute to improved performance and increased motivation.
3. Ensure maximum use of earned leave , minimize the loss of leave, and reduce to the maximum extent the costs of payments for unused accrued leave.

### B. APPLICABILITY

The policies in this Directive apply to the Office of the Secretary of Defense (OSD) , the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Defense Agencies (hereafter referred to collectively as "DoD Components"), the Unified Commands and all active duty service members of the Armed Forces of the United States. As used herein, the terms "Armed Forces" refers to the Army, Navy, Marine Corps, and Air Force; and "Secretary concerned" refers to the Secretaries of the Military Departments.

### C. DEFINITIONS

Terms used in this Directive are defined at enclosure 2.

### D. POLICY

Experience has shown that vacations and short periods of rest from duty, as well as authorized absences to attend to emergency situations, provide benefits to morale and motivation that are essential to maintaining maximum effectiveness. Therefore, an aggressive leave program is an essential military requirement. All officers in command, major headquarters, and the Military Departments shall ensure that secondary and nonessential efforts that might prevent an aggressive

leave program, though they may be desirable in themselves, are not imposed, coupled with matching reductions in less important programs, or suspended. If the following policies are implemented at all levels they could make positive contributions to cost savings, morale, level of performance, and career motivation.

#### E. GENERAL POLICIES

1. Advice of Leave Balance. Service members, at the time of each leave request, must be informed of their current leave balance unless such information is provided on a regular basis,

2. Annual Leave Programs. All commanders shall establish annual leave programs that provide their service members the opportunity to take leave within the constraints of operational requirements. To obtain maximum benefit from the objectives of annual leave programs, commanders shall provide service members the opportunity to take frequent periods of leave, including whenever possible, at least one extended leave period each year of approximately 14 consecutive days in length or longer. Notwithstanding, service members who refuse to take leave throughout the year on command annual leave programs shall be counseled regarding their obligation to execute military programs and policies. They should also be cautioned that such refusal may result in the loss of earned leave at a later date.

3. Armed Forces Liberty Pass. A valid Armed Forces Identification Card (DD Form 2) shall suffice to identify a service member on authorized absence not classified as leave. When, in the judgment of the commanding officer or a senior officer in the chain of command, it is necessary for security, operational, or other special circumstances to control the authorized absence (other than leave or administrative absence) of service members, the Armed Forces Liberty Pass (DD Form 345) may be used.

4. Authority to Grant Leave and Liberty. Authority to grant leave and liberty, except where otherwise specified by this Directive, shall normally be extended to unit commanders. Such authority may, at the discretion of the Secretary concerned, be further delegated. Notwithstanding, service members undergoing treatment for an infectious or contagious disease may not be granted leave, liberty, or an administrative absence unless the attending physician determines that the service member poses no threat to the public health.

5. Entitlement and Accumulation. Members of the Armed Forces are entitled to accumulate leave at the rate of 2½ days for each month of active military service. Except as provided in subsections F.16., and G.7., below, leave accumulated in excess of 60 days shall be lost at the end of the fiscal year (FY). Furthermore, service members shall not accrue leave while in any of the following statuses:

- a. Absence from duty without leave.
- b. Unauthorized absence.

c. Confinement as the result of a sentence of a court-martial.

d. Appellate leave required to be taken under the provisions of 10 U.S.C. 876a (reference(b)).

6. Important Leave Periods. When encouraging a service member to use leave, particular emphasis shall be placed on granting leave in the following circumstances:

a. Upon a permanent change of station (PCS) or after periods of arduous duty and protracted periods of deployment from the home station or port.

b.. Upon reenlistment or augmentation from active Reserve to Regular status.

c. During the traditional national holiday periods.

d. When there is evidence of deteriorating health/morale or when service members and/or their families have been personally affected by natural disasters/emergencies. (Depending upon the circumstances, emergency leave may be more appropriate.)

e. For attendance at spiritual events or for other religious observances for which liberty (pass) is inadequate.

f. During the pre-processing period incident to separation from active duty, or upon retirement, when requested.

7. Leave Schedules. All service members shall be provided the opportunity to take annual leave. Commanders authorized to grant leave may establish and regulate schedules that provide for maximum use of earned leave consistent with operational requirements, training workloads, and the desires of the service member.

8. Uses of Leave. The use of leave as a method of compensation or as a career continuation incentive through the accrual of large leave balances contradicts the intent of Congress to provide for the health and welfare of service members. Therefore, commanders shall encourage and assist all service members to use, on the average, their entire 30 days accrued leave each year.

9. Public Holidays. U.S. public holidays established by Federal statute, shall be observed, except when military operations prevent. When such holidays fall on a Saturday, the preceding Friday shall be considered a holiday, and when such holidays fall on a Sunday, the succeeding Monday shall be considered a holiday. Holidays are to be charged as leave if they fall within the effective dates of leave.

## F. SPECIFIC POLICIES

### 1. Liberty (Pass)

a. Liberty shall normally be from the end of normal working hours on one day to the beginning of working hours the next working day. On weekends, regular liberty shall normally be from the end of working hours on Friday afternoon until the beginning of normal working hours on the following Monday morning. For service members on shift work, equivalent schedules should be arranged, even though the days of the week may vary. Except for public holiday weekends or public holiday periods specifically extended by the President, regular liberty periods shall not exceed 72 hours in length.

b. When the operational situation permits, compensatory time off as liberty should normally be granted following duty on national holidays. Except for unusual cases, this compensatory time off should be granted on the first working day following the holiday. However, if the holiday falls on a weekend and either Friday or Monday is designated as the nonwork day, compensatory time off is to be applied to both the holiday and the observed day, on a day-for-day basis.

c. Liberty periods shall not be used in succession or used in series through recommencement immediately after return to duty. Nor may liberty be authorized at the beginning or end of a period of temporary duty (TDY) to extend the periods of TDY.

d. When service members request extension of an authorized period of liberty and this time (liberty and extension) exceeds 72 hours, that portion exceeding the regular liberty shall be charged to the service member's leave account.

### 2. Special Liberty (Pass)

a. Special liberty may not be combined with normal liberty or holiday periods when the combined periods of continuous absence would exceed 72 hours. In addition, special liberty periods of 3 or 4 days (72 to 96 hours) may only be granted on special occasions or under special circumstances, such as:

(1) Compensation for significant periods of unusually extensive working hours; long or arduous deployment from home station or port; duty in an isolated location where normal liberty is inappropriate; or to service members on board ship in overhaul away from homeport.

(2) As special recognition for exceptional performance, such as Soldier/Sailor/Airman of the Month or Year.

b. A 3-day (72 hours) special liberty period may not be extended in combinations with holidays or other off-duty periods when the combined period shall exceed the limits of a 3-day (72 hours) liberty. Furthermore, a 4-day (96 hours) special liberty may not, under any circumstances, exceed 96 hours.

c. Special liberty and leave may not be combined in continuous absence from the duty station, nor may they be effective in succession or series, through commencement of one immediately upon return to duty from the other.

d. When service members request an extension of an authorized period of special liberty and the said time (special liberty and extension) shall exceed 72 or 96 hours, that portion that exceeds the special liberty shall be charged to the service member's leave account.

3. Advance Leave. Advance leave is a means whereby service members with limited or no accrued leave may be granted leave to resolve urgent, personal or emergency situations. Regardless of the amount of advance leave requested, accrued leave must be given before the service member is in an advanced leave status. Such leave shall be limited to the minimum amount needed and may be granted within the following limitations:

a. Advance leave that exceeds 30 days shall be controlled at the Departmental level. To avoid excessive negative leave balances, advance leave shall normally be limited to the lesser of (a) 30 days; or (b) the amount of leave that shall be earned during the remaining period of active duty (current enlistment, not including extensions, for enlisted service members); or (c) while serving on an extension, to the extent that leave shall be accrued prior to the service member's date of separation.

b. Service members separating within 3 months of the expiration of their enlistment, including those who reenlist within 24 hours, shall have the unaccrued portion of their leave treated as excess leave.

c. Advance leave shall not be authorized together with any excess leave authorized for personnel in professional degree, officer procurement, punitive discharge, administrative discharge, or disability discharge programs.

d. When excess leave is authorized together with leave, care must be taken to ensure that advance leave is not calculated to accrue during the period of excess leave involved.

4. Excess Leave. Excess leave may be authorized in emergencies provided that the aggregate of all leave granted (regular + advance + excess) does not exceed 60 days and that the advance leave is used before the excess leave. Consideration for humanitarian reassignment should be given in those cases where emergencies require the absence of the service member for more than 60 days. In cases involving officers serving their initial term of obligated military service or enlisted service members with less than 8 years of military service, the officer or enlisted service member should be considered for a hardship discharge.

a. As an exception to the 60-day limitation, excess leave may be granted to service members completing educational programs leading to a professional degree or associated licensing examinations in connection with an officer procurement program. However, participants shall not be required to use their accrued leave before being placed in an excess leave status and, in addition, their accrued leave balance shall be retained until they resume duty in a pay status.

b. Indefinite periods of excess leave may be granted to personnel awaiting an appellate review of a sentence for dismissal or punitive discharge and to personnel awaiting an administrative discharge, as provided in subsection F.21., below.

c. Other requests for periods of leave involving excess leave that extend beyond the 60-day aggregate should be controlled at the Departmental level.

#### 5. Emergency Leave

a. Emergency leave and extensions thereto shall normally be granted to service members for family emergencies involving members of their household, their immediate family, or a sole surviving blood relative whenever the circumstances warrant and the military situation permits. Since most family emergencies are highly time-dependent, swift and sensitive action on emergency leave requests is essential. Nevertheless, care must be taken to ensure that an emergency does exist within the service member's household or immediate family and that the service member's presence can resolve or alleviate the situation. The following are examples of situations where emergency leave may be appropriate.

(1) Death of a member of the household or immediate family.

(2) The service member's presence would contribute to the welfare of a dying member of the household or immediate family.

(3) Serious illness of a member of the household or immediate family resulting in family problems that impose a responsibility on the service member that must be met immediately and cannot be accomplished from the duty station or by any other means.

(4) Severe or unusual hardship may result from the service member's failure to return home, on either the service member, his or her household, or immediate family.

b. Most service members are mature and responsible individuals whose emergency leave needs can be considered on their merits. However, when the officer granting leave has reason to doubt the validity of an emergency situation, assistance in determining its validity and of the service member's presence should be requested from the Military Service activity nearest the location of the emergency or from the American Red Cross. Caution must be taken to ensure that delays in obtaining verification do not result in the individual arriving too late to accomplish the purpose for which the leave is intended.

c. Emergency leave travel at Government expense is authorized in accordance with the Joint Travel Regulations (JTR) (reference (c)). Such authorized transportation costs are chargeable to the appropriated funds that support the TDY travel of the service member's assigned unit. However, emergency leave shall not be denied solely because of lack of funds for authorized funded emergency leave travel. Nor shall emergency leave be granted for the purpose of either increasing the service member's travel priority or to offset personal travel costs. Service members not authorized emergency leave travel under the provisions of reference (c) may be authorized travel on Government-owned or -controlled aircraft in accordance with DoD 4515.13-R (reference (d)).

d. Time spent in emergency leave travel authorized at Government expense shall not be charged to the service member's leave account.

6. Reenlistment Leave. At least 30 days and up to 90 days leave incident to reenlistment may be authorized to service members provided that any advance leave involved does not exceed 30 days. Except for emergency leave, the first leave taken after reenlistment shall be considered reenlistment leave and should normally begin immediately upon reenlistment. However, it may be delayed so as to begin upon completion of a course of instruction that begins within 30 days of reenlistment or upon transfer from an overseas station incident to the service member's reenlistment. In addition, reenlistment leave may also be deferred for reasons of operational necessity. Leave authorized under this subsection shall be deducted from leave accrued during active military service before reenlistment or charged against leave that may accrue during future active military service, or both.

7. Convalescent Leave. In accordance with procedures established by the Secretary concerned, convalescent leave may be granted by the service member's commanding officer or the hospital commander to patients not yet fit for duty. Such leave shall be for a period of up to 30 days per period of hospitalization. In granting convalescent leave, care must be taken to limit the duration to the minimum that is essential in relation to the diagnosis, prognosis, and probable final disposition of the patient. Convalescent leave that exceeds 30 days shall be controlled at the command level designated by the Secretary concerned. Travel entitlements that may be associated with convalescent leave are governed by the JTR (reference (c)).

8. Administrative Absence. An administrative absence for any of the purposes outlined below may be authorized for service members. In approving such requests, care must be taken to ensure that the planned absence clearly falls within the criteria provided. If it does not, the absence must be handled under normal leave or liberty procedures. Administrative absences that exceed 30 days should be controlled at the Departmental level.

a. Attendance at meetings, sponsored by recognized non-Federal technical, scientific, professional (medical, legal, and ecclesiastical) societies and organizations. Such meetings must have a direct relationship to the service member's professional background or primary military duties and clearly enhance his or her value to the Military Service.

b. Attendance by a member of the Board of Directors of a DoD credit union, at meetings of associations, leagues, or councils formed by DoD credit unions. The purpose of the meeting must be directly related to DoD credit union programs.

c. Participation in competitive sports events and essential support of participants in competitive sports events.

d. Attendance in response to a subpoena, summons, or request in lieu of process, as a witness at a State or Federal criminal investigative proceeding or criminal prosecution. Such attendance must be of substantial public interest, such as major crimes, and where the service member would be an essential witness.

b. For service members completing recruit training the delay en route normally should not be less than 10 days to their first PCS. However, if the initial PCS ~~is~~ an overseas station or homeport, this delay normally should be 14 days or more.

c. Upon completing of officer candidate training, newly commissioned officers normally shall be authorized 30 days leave (advance leave if needed) upon graduation and before reporting to their first PCS.

### 13. Leave Travel in Connection with Consecutive Overseas Assignments

a. Section 411b of title 37, United States Code (reference (f)) stipulates that service members stationed outside the CONUS who are ordered to a consecutive tour of duty at the same duty station or who are reassigned PCS to another overseas duty station may be paid travel and transportation allowances in connection with authorized leave from their last duty station. The tours of duty, whether at the same duty station or a new duty station, must be the authorized tours as prescribed in DoD Directive 1315.7 (reference (g)). Furthermore, one of the tours, either the service member's last duty station or projected duty station, must be the "all-others" tour. Travel entitlements may not exceed those authorized by the JTR (reference (c)).

b. Travel under paragraph F.13.a., above, shall be performed in a duty status, and the amount of leave authorized shall be determined by the Secretary concerned. However, if because of ☐ilitary necessity, service members authorized travel and transportation allowances under this authority are denied leave between the two tours of duty, then they shall be authorized such allowances from their new duty station at the first time leave is authorized. Nevertheless, this authority may not be taken in connection with the service member's reassignment from his/her new duty station or any other leave program or travel entitlement authorized by this Directive or reference (c).

14. Graduation Leave. Graduates of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy who, upon graduation, are appointed into a regular component of the Armed Forces, may at the discretion of the Secretary concerned or his designated representative, be granted graduation leave of not more than 60 days. This leave is not chargeable to the officer's leave account; and it ☐ust be used within 3 ☐onths of the officer's graduation and before the officer reports to the first PCS or port of embarkation for permanent duty outside the CONUS. Extensions of this graduation leave period for the convenience of the service member shall be charged to the officer's leave account. However, on a case-by-case basis, nonchargeable leave extensions ☐ay be granted to recently commissioned graduates who have completed graduation leave but are awaiting commencement of formal training/education programs. In any event, such leave shall not exceed the 60-day statutory limit.

### 15. Proceed Time

a. Service members entitled to transportation of dependents and/or household goods may be authorized 4 days of proceed time under the following conditions .



(1) When being reassigned to or from an all-others overseas tour, as defined by DoD Directive 1315.7 (reference (g)).

(2) When the service member's ship of assignment is changing its homeport.

b. However, proceed time may only be authorized to eligible service members when they actually relocate their dependents and/or household goods as a result of the conditions outlined above. Furthermore, proceed time shall not be granted under the following conditions:

(1) Incident to the service member's first permanent duty station.

(2) When the reassignment is between two stations located within close proximity or between two ships that have the same homeport.

(3) Incident to separation, release from active duty or retirement.

(4) When orders requiring reporting within 4 days of detachment.

16. Special Leave Accrual for Service Members Assigned to Hostile Fire or Imminent Danger Areas, Certain Deployable Ships, Mobile Units, or Other Duty

a. Service members who serve on active duty for a continuous period of at least 120 days after January 1, 1968, in an area in which they are entitled to Special Pay for Duty Subject to Hostile Fire or Imminent Danger under the provisions of the DoD Military Pay and Allowances Entitlements Manual (DODPM) (reference (h)) for at least 4 consecutive months may accumulate up to 90 days leave at the end of the fiscal year.

b. Service members not serving in a hostile fire or imminent danger area, but who, after September 30, 1979, are assigned to a designated deployable ship, mobile unit, or other similar prescribed duty may accumulate up to 90 days of leave when operational mission requirements prohibit normal leave utilization. The situation preventing service members assigned to such activities from using leave must have been caused by a national emergency crisis or operations in defense of national security. Furthermore, it should be a result of their inability to take leave or to reduce their leave balance to 60 days before the end of the fiscal year while being assigned to said activities.

c. Notwithstanding the authority in paragraph F.16.b. , above, it shall not be used as a means to authorize the accumulation of leave in excess of 60 days that is a result of the service member's failure to manage properly his or her leave program. That is, it would be inappropriate to carry over that portion of the service member's leave balance that exceeds 60 days which would have been lost at the end of the N regardless of whether or not the service member was assigned to a designated activity. (An example of this is a service member assigned to a designated activity on September 15, 1984, with a leave balance of 80 days. Since the service member could not have reduced his or her leave balance to 60 days before September 30, 1984, the total accumulation (82.5 days) cannot be carried over. Only that portion that could have possibly been taken can be carried over. In this example, the service member would lose 7.5 days of leave at the end of the F'Y.) Determinations of qualifying duty and operational mission requirements shall be made at the headquarters

level that directs the leave policies of the Military Service concerned. The provisions of this authority are not intended for service members assigned to headquarters and supporting staffs.

d. Leave that exceeds 60 days accumulated under paragraphs F.16.a. , or b., above, is lost unless used before the end of the third fiscal year following the N in which the service in the hostile fire or imminent danger area or operational commitment is terminated.

17. Rest and Recuperation Program. Rest and recuperation (R&R) leave programs may only be established with the approval of the Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)). The program must include provisions to prevent the combination of R&R leave with liberty, administrative absences, temporary duty, or travel for other purposes (subsection F.11., above). In addition, it must be in accordance with the following criteria and restrictions:

a. Must be a dependent-restricted tour area and designated for Hostile Fire or Imminent Danger Pay as authorized by the DODPM (reference (h)).

b. Must be an area in which entry of service members on official or unofficial travel is controlled and where ordinary annual leave programs have been restricted for reasons of military necessity.

(1) Transportation to and from R&R areas shall be provided on a space-required basis, and travel time shall not be charged to the service member's leave account. However, the actual period in the R&R area shall be charged to the service member's leave account.

(2) R&R leave periods shall be limited to one per 12-month period.

18. Rest and Recuperative Absence for Qualified Enlisted Service Members Extending Duty at Designated Locations Overseas. Under the authority of 10 U.S.C. 705 (reference (b)) and 37 U.S.C. 314 (reference (f)), enlisted service members of the Armed Forces possessing certain specialties may, under specific conditions, be entitled to R&R absence (hereafter referred to as "special rest and recuperative (SR&R) absence").

a. To be eligible for SR&R, an enlisted service member must:

(1) Be entitled to basic pay (37 U.S.C. 204 (reference (f))).

(2) Possess a specialty that is designated by the Secretary concerned.

(3) Have completed his or her overseas tour of duty, as defined by DoD Directive 1315.7 (reference (g)), at a location outside the CONUS that is designated by the Secretary concerned and at the end of the tour, execute an agreement to extend that tour for a period of not less than 1 year.

b. Those service members meeting the above eligibility requirements shall be entitled to receive one of the following benefits:

(1) Special pay for duty performed during the period of the extension at a rate of not more than \$50 per month.

(2) A period of SR&R absence for not more than 30 days.

(3) A period of SR&R absence for not more than 15 days and round-trip transportation at Government expense from the location-of the extended tour of duty to the nearest CONUS port and return. Travel entitlements that may be associated with this option are governed by the JTR (reference (c)).

c. While the period of SR&R absence shall not be charged to the service member's leave account, there are limitations to combining such absences with ordinary leave, liberty, administrative absence, TDY, or any other transportation entitlement authorized by reference (c). Specifically, the 15-day SR&R absence and round-trip transportation option may not be combined with any TDY or transportation entitlement authorized by reference (c) that would result in the cost of the round-trip portion of the option exceeding the round-trip cost from the service member's duty station to the nearest CONUS port.

d. Travel time from the CONUS port to the nonchargeable leave point and return is included in the 15-day SR&R absence. This period shall begin the day after the service member arrives at the aerial port of debarkation and continue until the day before the service member returns to the designated port. The nonchargeable leave period shall continue until the day before the date of return to the designated port.

e. Subsection F.18, above shall not be effective unless the Secretary concerned determines that implementation of the program shall not adversely affect combat or unit readiness.

19. Environmental and Morale Leave Programs. Environmental and morale leave (EML) programs may be authorized in overseas locations where adverse environmental conditions exist that would offset the full benefits of annual leave programs. The purpose of such programs is to make use of DoD-owned or controlled aircraft to further annual leave objectives. Environmental leave programs are intended to supplement in-country leave schedules established to carry out basic leave policies. When these programs are established, the following policies must be adhered to:

a. Eligibility. Service members, regardless of their accompanied status, and/or their dependents may be provided space available air transportation from EML duty locations to take ordinary leave in an EML destination site. The service member's dependents must be command sponsored to participate. In addition, participants may take no more than two EML trips per year. Except those service members assigned to dependent-restricted areas, EML trips for the service member may not be taken within 6 months of the beginning or end of the service member's tour of duty at the eligible location. For service members assigned to dependent-restricted areas, the Military Service concerned may stipulate, for operational necessity, the time frames in which an eligible service member may take EML.

b. EML Duty Locations and Destinations. Unified commanders shall designate the authorized EML duty locations and destinations. Designations shall be limited to only those overseas locations that are truly isolated, austere, or environmentally depressed.

(1) EML Duty Locations. Conditions of life at the duty station must be such that the service member and his or her family are subjected to significant, identifiable difficulties having a harmful effect on physical well-being or mental health of sufficient severity to justify temporary relief during a period of assignment. Circumstances must be such that the service member and/or dependents cannot obtain relief from the adverse conditions at the assigned locations by automobile, space-available military air, or commercial land, air, or sea travel without uncertainty in travel arrangements, hazard to personal safety, or inordinate expense. Normally, environmentally depressed conditions are reflected by those overseas locations where the accompanied-by-dependents tour length is 24 months or less. Prescribed overseas tour lengths are contained in DoD Directive 1315.7 (reference (g)). Adverse economic conditions and cultural differences alone shall not be used as a basis for designating an EML duty location. The adversity of economic conditions overseas is recognized by a system of station allowances, and all overseas assignments necessitate adjustments for cultural differences. In designating EML duty locations, one or more of the following conditions must exist:

(a) Extraordinarily difficult living conditions, such as geographic isolation, substandard housing, inadequate commercial transportation, and lack of cultural, and recreational facilities.

(b) Notably unhealthful conditions, such as high incidence of disease and epidemics, lack of public sanitation, and inadequate health control measures.

(c) Conditions that cause excessive physical hardships, such as harmful effects of climate and altitude and dangerous conditions affecting life, physical well-being, or mental health.

(2) EML Relief Destinations. Normal military airlift routes shall be considered in determining relief destinations, and they shall be limited to the closest location offering environmental relief, suitable accommodations, and recreational facilities.

c. Accountability. The entire authorized absence, including time spent in a travel status, is charged to the service member's leave account.

20. Leave Awaiting Orders as a Result of Disability Proceedings. When ordered home or to another designated location in a PCS status to await further orders and disposition as a result of a disability separation, the service member shall be charged leave for each day in an awaiting-orders status to the extent of all leave that accrues to the date of termination of awaiting-orders status. An authorized absence, in an awaiting-orders status, that exceeds maximum accrued leave is not chargeable as leave.

21. Leave Awaiting Punitive or Administrative Discharge. Under regulations prescribed by the Secretary concerned, service members who have been sentenced by court-martial to be dismissed or to receive a punitive discharge may be required to take excess leave (leave of absence without pay) pending completion of the appellate review. Authority to direct such leave rests with the officer exercising general court-martial jurisdiction over the service member. In a special court-martial conviction, such leave may be directed by an officer exercising special court-martial jurisdiction over the service member. These service members may be required to begin their leave at any time on or after the date on which the sentence is approved by the convening authority or any other officer authorized to act on the sentence in place of the convening authority. Such leave may be continued until a time when the final review is completed and the sentence is executed. The authority who approved this leave may terminate it at any time by written notice. When confinement is included as part of the approved sentence, the period of confinement must have been served or deferred before the beginning of the leave.

a. Service members required to take such leave and who have accrued leave may elect one of the following options:

(1) Receipt of pay and allowances during the period of accrued leave with leave beyond that which was accrued charged as excess leave.

(2) Payment for accrued leave to the service member's credit on the day before the day leave begins with the total period of required leave charged as excess leave.

(3) A combination of receipt of pay and allowances and accrued leave payment.

b. If the service member's court-martial sentence is disapproved or set aside, the service member shall receive pay and allowances for any period of required excess leave, except any day of accrued leave for which the service member elected payment before departing on leave. However, this requirement does not apply if a rehearing or new court-martial is ordered that results in a dismissal or a dishonorable or bad conduct discharge. In addition, the amount of pay and allowances paid to a service member must be reduced by the amount of income and public assistance benefits received during the period of excess leave.

c. Service members sentenced by court-martial to a dismissal or punitive discharge, but whose sentence has not yet been approved by the court-martial convening authority may submit a written request for voluntary leave. The requested leave may be approved at the discretion of the commander exercising court-martial authority, if in his or her opinion the best interest of the Military Service would be served by granting the service member's request. Service members volunteering to take such leave and who have accrued leave to their credit shall be charged with ordinary leave until the accrued leave is exhausted. After the accrued leave is used, the service member shall be charged excess leave. However, before such leave is approved, all adjudged confinements shall have been served, commuted, remitted, suspended, or deferred. Before the court-martial sentence is approved by the appropriate authority, this voluntary leave shall be terminated upon the written request of

the service member and may otherwise be terminated by the service member's commanding officer. Upon approval of the court-martial sentence by the officer exercising court-martial jurisdiction, the service member's leave status shall be changed from voluntary to required, and the command shall send a written notice to the service member of the change in status.

d. Service members awaiting completion of administrative discharge proceedings may be granted leave. Such service members shall be charged with ordinary leave until their accrued leave is exhausted, at which time they shall be charged with excess leave.

22. Terminal Leave. To prevent the loss of leave and to minimize accrued leave payments, absence on leave at the time of retirement, separation or release from active duty without returning to the separation site, if this is desired, should normally be granted. If service members desire leave without returning to the separation site, they must actually have their retirement, separation, or release orders in their possession and have completed all administrative processing before departing on leave. In addition, the retirement or separation date must occur following completion of the authorized leave period.

### 23. Forfeiture of Accrued Leave

a. Any service member who is discharged under other than honorable conditions shall forfeit all accrued leave to his or her credit during discharge (37 U.S.C. 501(e) (reference (f))).

b. Public Law 98-525 (reference (i)) provides for the forfeiture of accrued leave of those service members who enlist or are commissioned on or after October 19, 1984, and are discharged before completing 6 months of active duty because of a failure to serve satisfactorily. For the purpose of this Directive, the forfeiture of accrued leave shall apply to all service members, including those with prior military service (breaks in military service of 93 or more consecutive days) who are separated after March 1, 1985, for any of the following reasons:

#### (1) Enlisted Separation Reasons

(a) Defective enlistments and inductions (minority and fraudulent entry only) .

(b) Entry level performance and conduct.

(c) Unsatisfactory performance.

(d) Homosexuality (unless the service member receives an Honorable Discharge).

(e) Drug/alcohol abuse rehabilitation failure.

(f) Misconduct.

(g) Separation in lieu of trial by court-martial.

(h) Security (unless the service member receives an Honorable Discharge).

(2) Officer Separation Reasons

(a) Separation for cause (e.g., officers separated for substandard performance of duty).

(b) Dropped from the rolls.

(c) Homosexuality (unless the service member receives an Honorable Discharge)

(d) Misconduct/moral/professional dereliction.

(e) Separation in lieu of trial by court-martial.

(f) Security (unless the service member receives an Honorable Discharge).

24. Continuation or Recall of Retirees. Service members retiring after August 9, 1946, who are subsequently continued on, or are recalled to, active duty day, at the discretion of the Secretary concerned, have that leave that was accrued before retirement carried over to the new period of military service after retirement (10 U.S.C. 701c (reference (b))). In addition, the Secretary concerned may, for operational reasons, limit the number of consecutive days of leave that a continued or recalled retiree may take. But the Secretary concerned may not, as a condition of the continuation or recall action, prohibit service members from taking leave accrued during the new period of military service.

G. PROCEDURES

1. Regardless of the amount of leave authorized, leave shall only be calculated based on actual date of departure on leave and actual date of return from leave. This will be consistent with the prohibition against the combining of leave and special liberty.

2. The day a service member departs on and returns from leave must not be charged as leave if the service member is at his or her place of work ("on board," "for duty") for the majority of the normal working hours of a workday. Otherwise, it must be charged as leave. For leaves commencing and terminating on nonduty days, one of the days shall be charged as leave.

3. Since a service member may not combine leave and special liberty, leave and special liberty periods shall not be used in succession immediately after a service member returns to duty from one.

4. Administrative and accounting procedures are to be established to ensure that all authorized periods of absence involving periods charged as leave are accurately charged to the service member's leave account.

5. When service members are on authorized leave and it becomes necessary to recall them to duty for reasons of military necessity, the period of absence shall not be charged to the leave account when the period between departure on leave and the service member's receipt of the recall to duty is 72 hours or less. The remaining time of absence shall be considered travel time unless it is determined that the service member's absence was in excess; then, the entire absence shall be charged as leave. For circumstances in which the service member shall be entitled to travel reimbursement, orders authorizing travel should be issued in accordance with the JTR (reference (c)).

6. Service members on leave who are hospitalized or placed on a "sick-in-quarters" status by a civilian physician shall not be charged leave for that period since they are medically unfit for duty; and since, if they had been at their unit, they would have been excused from duty.

a. Appropriate safeguards may be established to ensure against abuse provided they are consistent with acceptance of certification from civilian authorities in emergency leave validation, compassionate assignments, and hardship discharge procedures.

b. Chargeable leave shall terminate the day the service member is hospitalized and recommence the day following hospitalization or sick in quarters, so that only 1 "day of duty" is included in computation of leave for the total absence.

7. A service member who is in a missing status, as defined by 37 U.S.C. 551(2) (reference (f)), accumulates leave regardless of the 60-day limitation (subsection E.5. , above) and the 90-day limitation in subsection F.15. , above. Notwithstanding, a service member who dies while in a missing status, continues to earn leave through the date the Secretary concerned receives evidence that the service member is dead or that the death is prescribed or determined under 37 U.S.C. 555 (reference (f)). Up to 150 days of leave may be earned in this status, which is in addition to any previous leave earned. However, if a service member's death occurs on a date when he or she would have accrued more than 150 days, settlement shall be made for the number of days accrued to the actual date of death. Leave accumulated by a service member while in a missing status shall be accounted for separately. It may not be taken, but shall be paid for under 37 U.S.C. 501(h) (reference (f)).

8. A service member who dies while on leave shall not be charged for leave on the day death occurs.

#### H. RESPONSIBILITIES

1. The Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)) shall:

a. Ensure that the implementing policies and procedures of the Military Departments are uniform.

b. Monitor, as required, the effectiveness of the Military Services' policies and procedures on leave balances, lost leave, and cost of unused accrued leave payments.



2. The DoD Components are to conduct leave and liberty programs that comply with the policies herein to meet the stated objectives.

3. The Secretaries of the Military Departments shall:

a. Ensure that implementing regulations provide for leave to be taken annually as accrued.

b. Establish programs to measure and reduce the amount of leave lost by service members annually and the cost for unused accrued leave payments.

I. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)) within 120 days.



William H. Taft, IV  
Deputy Secretary of Defense

Enclosures - 2

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1. References
  2. Definitions

REFERENCES, continued

- (d) DoD 4515.13-R, "Air Transportation Eligibility," January 1980, authorized by DoD Directive 4515.13
- (e) Title 38, United States Code
- (f) Title 37, United States Code
- (g) DoD Directive 1315.7, "Military Personnel Assignments," March 19, 1985
- (h) DoD Military Pay and Allowances Entitlements Manual, January 1, 1967
- (i) Public Law 98-525, "FY 85 DoD Authorization Act," October 19, 1984
- (j) Title 32, United States Code

## DEFINITIONS

1. Accrued Leave. Leave earned by a service member and credited to the leave account as of any given date. May be a negative leave balance. The account balance of ordinary earned or accrued leave must be reduced to 60 days at the end of the fiscal year, except as provided in subsection F.15. Accrued leave is also referred to as "earned leave."
2. Active Duty. Full-time duty in the active Military Service of the United States. It includes full-time training duty, annual training duty, and attendance, while in the active Military Service, at a school designated as a Service school by law or by the Secretary concerned. For the purpose of this Directive, full-time training or other full-time duty for a period exceeding 29 days, performed under 32 U.S.C. 316, 502-505 (reference (j)), by a member of the Army or Air National Guard in his or her status as a member of the National Guard, and for which entitled to pay, shall be considered active duty.
3. Administrative Absence. A period of authorized absence, which may include "permissive TDY," to attend or participate in activities of an official or semi-official nature to the benefit of the Department of Defense. Administrative absence is not chargeable to the service member as leave.
4. Advance Leave. Leave granted to the service member's leave account before its actual accrual. This leave is granted based on a reasonable expectation that it will be earned by the service member during the remaining period of active military duty.
5. All-Others Tour. The tour length that is authorized at a specific location for service members who are not accompanied by command-sponsored dependents.
6. Annual Leave. Leave granted in execution of a command's leave program, chargeable to the service member's leave account. This is also referred to as "ordinary leave."
7. Command-Sponsored Dependents. Dependents of a service member residing with the service member at a location outside the CONUS, where the accompanied-by-dependents tour is authorized (DoD Directive 1315.7 (reference (g)) and the service member is authorized to serve the tour, and where the dependents meet the following conditions:
  - a. Entitled to travel to the service member's duty station at Government expense incident to the service member's PCS orders.
  - b. Are authorized by the appropriate authority to be at the service member's duty station.
  - c. As a result of their residence in the vicinity of the service member's duty station entitle the service member to station allowances at the "with dependents" rate.
8. Continental United States (CONUS). The contiguous 48 States and the District of Columbia.

9. Convalescent Leave. A period of authorized absence granted to service members under medical care, which is part of the treatment prescribed for recuperation and convalescence. This leave is not chargeable to the service member's leave account. It is also referred to as "sick leave."

10. Delay En Route. Chargeable leave authorized in connection with travel, either PCS or TDY, including a consecutive overseas tour (COT).

11. Departmental Level. For the purpose of this Directive, "Departmental level" refers to the executive part of the Department of the Army, Navy, and Air Force as defined in title 10 U.S.C. (reference(b)).

12. Dependent-Restricted Tour. Any location outside the CONUS with an established overseas tour that does not permit command-sponsored dependents. Also referred to as unaccompanied hardship overseas tour or remote tour. (Established overseas tours are outlined in DoD Directive 1315.7 (reference (g)).)

13. Emergency Leave. Leave granted as a result of an emergency situation (personal or family) that requires the service member's presence. It is chargeable to the service member's leave account.

14. Environmental and Morale Leave (EML). Leave granted in conjunction with an environmental and morale leave program established at an overseas installation where adverse environmental conditions require special arrangements for leave in more desirable places at periodic intervals. The leave taken under the EML Program is ordinary leave chargeable to the service member's account.

Excess Leave. Leave granted that exceeds earned and advance leave and for which the service member is not entitled to pay and allowances. Generally, a negative leave balance at the time of release from active military duty, discharge, first extension of an enlistment, desertion, or death shall be considered excess leave regardless of the authority under which the leave resulting in the negative balance was granted.

16. Four-Day (96-hour) Liberty (Pass). A special liberty period that begins at the end of normal working hours on a given day and expires with the start of normal working hours on the fourth day and includes at least 2 consecutive nonwork days (e.g., from Thursday afternoon until Monday morning). Thus, the usual length of a 4-day liberty is 88 hours. It may be extended to fit the unit's operating schedule to a maximum of 96 hours.

17. Graduation Leave. A period of authorized absence granted, as a delay in reporting to the first permanent duty station, to graduates of the Service academies who are commissioned as regular officers in the Armed Forces. It is not chargeable to the service member's leave account.

18. Household. For the purpose of this Directive, the service member's "household" is comprised of the service member and those dependents, as defined by 37 U.S.C. 401 (reference (f)), that reside with the service member or are dependent on the service member for over one-half of their support.

19. Immediate Family. For the purpose of this Directive, the service member's "immediate family" is comprised of his or her parents, persons who have stood loco parentis, siblings, and the spouse's parents and siblings.

20. In Loco Parentis. A person who stood in place of a parent to the service member 24 hours a day for a period of at least 5 years before the service member became 21 years old or entered military service. The person must have provided the following: a home, food, clothing, medical care, and other necessities as well as furnished moral and disciplinary guidance and affection. A grandparent or other person normally is not considered to have stood in place of a parent when the parent also lived at the same residence. Neither is a person considered in loco parentis for performing babysitting or providing day care service.

21. Leave. Authorized absence from a place of duty, chargeable against the service member's leave account. This leave is earned at the rate of  $2\frac{1}{2}$  days of leave per month for active duty of 30 consecutive days or more, except for periods of: (a) absence from duty without leave; (b) absence over leave; (c) confinement as the result of a sentence of a court-martial; and (d) leave required to be taken under 10 U.S.C. 876a, (reference (b)).

22. Liberty (Pass). An authorized absence, not chargeable as leave, granted for short periods to provide respite from the working environment or for other specific reasons. At the end of this period, service members are actually on board or in the location from which they regularly commute to work. This includes regular and special liberty periods.

23. Permanent Change of Station (PCS). The transfer or assignment of a service member or unit from one permanent station to another. This includes the change from home or from the place from which ordered to active duty to the first station upon appointment, call to active duty, enlistment, or induction; and from the last duty station to home, or to the place from which he or she entered the Military Service, placement upon the temporary disability retired list, and release from active duty or retirement. It also includes a duty authorized change in homeport of a vessel or mobile unit.

24. Proceed Time. A period of authorized absence, not chargeable as leave or travel time, authorized as a delay in executing PCS orders, to enable the service member to attend to the administrative details involved in matters such as disestablishing and/or establishing residences, changing vehicle licensing, changing residence for taxation and voting purposes. Proceed time is not intended to serve the needs of military check-out and check-in procedures with military personnel offices, security and pass offices, billeting offices, and public quarters clearance, and the like, which are military administrative requirements to be provided for during normal working hours.

25. Recruiting Assistance Leave Program. Programs granting an added increment of leave to personnel completing recruit training contingent upon their getting another candidate to enlist. This leave is charged to the service member's leave account.

26. Reenlistment Leave. Leave granted to enlisted service members incident to their reenlistment. It is chargeable to the service member's leave account.

27. Regular Liberty (Pass). A liberty period, not to exceed 72 hours, beginning at the end of normal working hours on a given day and expiring with the start of normal working hours on the next working day. Public holiday

weekends and public holiday periods which, by the direction of the President, are ~~extended to~~ exceed 72 hours are regular liberty periods.

28. Rest and Recuperation (R&R) Leave. Leave granted in conjunction with R&R programs established in areas designated for hostile fire or imminent danger pay. Operational military considerations prevent the full use of ordinary annual leave programs for R&R. Leave granted in connection with authorized R&R programs is chargeable to the service member's leave account.

29. Sick-in-Quarters (Quarters Status). Excused from duty for treatment or medically directed self-treatment, in home, barracks, or other nonhospital facilities (e.g., hotel, ☐otel, occupying beds in dispensaries, etc.).

30. Special Leave. Leave authorized by congressionally approved programs that is not charged against the service ☐ember's annual leave.

31. Special Liberty (Pass). Liberty granted outside of regular liberty (pass) periods for unusual reasons, such as compensatory time off, emergencies, to vote or to observe major religious events, requiring the individual to be continuously absent from work or duty or for special recognition. Special liberty (pass) shall not exceed 72 hours, except in the case of the special 4-day liberty (pass).

32. Temporary Duty (mY). Duty at one or more locations, other than the permanent station, at which a service member performs TDY under orders that provide for further assignment or pending further assignment to a new permanent station or for return to the old permanent station upon completing TDY. This includes temporary additional duty (TAD).

33. Terminal Leave. Ordinary leave chargeable to the service ☐ember's leave account to assist separating service members with their personal affairs. Also referred to as "retirement or separation leave."

34. Three-Day (72-hour) Liberty (Pass). A special liberty period beginning at the end of normal working hours on a given day and expiring with the start of normal working hours on the third day (e.g., from Monday afternoon until Thursday morning). Thus, the usual length of a 3-day liberty is about 64 hours. It may be extended to a maximum of 72 hours to fit the unit's operating schedule. When a 3-day liberty embraces only regular liberty time, such as Friday afternoon to Monday morning, with no scheduled working hours included, it is then treated as regular liberty.

35. United States. Refers to the 50 States and the District of Columbia.